UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

In re:) Case No. 09-51928-705
WHITNEY DESIGN, INC.,) Case 110. 09-31920-703
) Chapter 11
UNITED STATES OF AMERICA,)
Appellant.)
v.)
)
WHITNEY DESIGN, INC.,)
Appellee,)

APPELLEE'S DESIGNATION OF ADDITIONAL ITEMS FOR INCLUSION IN THE RECORD ON APPEAL

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, appellee Whitney Design, Inc. designates the following items to be included in the record on appeal with respect to the Notice of Appeal filed by Appellant, the United States of America, on February 11, 2010 (Docket No. 93).¹

DESIGNATED NUMBER	DATE OF FILING	DOCKET NUMBER	DESCRIPTION OF ITEM
56	11/25/2009	29	Motion for Order Authorizing Debtor to Assume Certain Sales Representative Agreements and Independent Contractor Agreements
57	11/30/2009	38	Certificate of Service of Debtor's Motion for Orders (A) Authorizing Sale of Assets Free and Clear of All Liens, Claims and Encumbrances, Subject to Higher and Better Offers, (B) Approving the Assumption and Assignment of Executory Contracts and Unexpired Leases, (C) Establishing Sale and Bidding Procedures, and (D) Approving Expense Reimbursement
58	12/01/2009	40	Notice of Appearance and Request for Notice by David A. Sosne for Interested Party Home Products International, Inc.

¹ Notwithstanding this Designation, the Appellee reserves all of its rights to argue that this appeal should be dismissed for the reasons to be set forth in the Appellee's Motion to Dismiss.

59	12/02/2009	43	Order Granting Motion to Assume Certain Sales Representative Agreements and Independent Contractor Agreements
60	12/10/2009	49	Notice of Appearance and Request for Notice by Wesley D. Wedemeyer for Creditor United States of America
61	12/15/2009	50	Certificate of Service of Order (A) Establishing Sale and Bidding Procedures, (B) Scheduling Hearing to Approve Sale of Assets and Assumption and Assignment of Executory contracts, and (C) Approving Expense Reimbursement
62	12/28/2009	60	Notice of Assumption and Assignment of Executory Contracts and Unexpired Leases

Respectfully submitted,

THOMPSON COBURN LLP

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Attorneys for Whitney Design, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and genuine copy of the foregoing was served electronically on this 10th day of March, 2010 on all parties receiving notice via the Court's CM/ECF notice list, including Matthew J. Troy, U.S. Dept. of Justice Civil Division and Wesley D. Wedemeyer, Assistant U.S. Attorney, and was also placed in the United States mail, postage prepaid to the following:

Thomas E. Biron on behalf of Interested Party Home Products International, Inc. Blank Rome, LLP One Logan Square 130 North 18th Street Philadelphia, PA 19103-6998

Daniel R. Johnson on behalf of Creditor Bajer Design & Marketing, Inc. Ryan Kromholz & Manion, S.C. PO Box 26618
Milwaukee, WI 53226

/s/ David A. Warfield